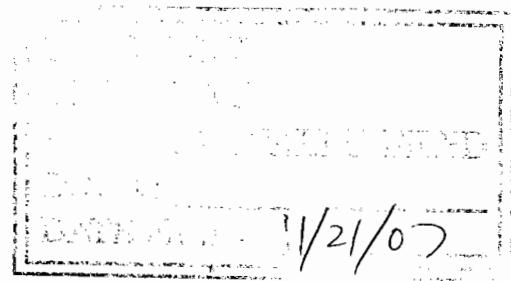


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN RE WORLD TRADE CENTER  
DISASTER SITE LITIGATION

-----X  
ALVIN K. HELLERSTEIN, U.S.D.J.:




**ORDER REGULATING DISCOVERY**

21 MC 100 (AKH)

By Order dated October 10, 2007, I propounded Proposed Core Discovery Items and invited the parties to review and comment on the items by November 9, 2007. Having reviewed the parties' comments, and heard argument on the comments at the November 16, 2007, hearing and status conference, I propound the Core Discovery as attached hereto. The parties shall commence responding at once. The final deadline for discovery will be set by a separate order to be issued by December 7, 2007.

SO ORDERED.

Dated: November 21, 2007  
New York, New York

  
\_\_\_\_\_  
ALVIN K. HELLERSTEIN  
United States District Judge

## **FINAL REVISED CORE DISCOVERY**

### **A.     Discovery to be Produced by Each Plaintiff:**

#### **Location of Work**

1. With respect to the rescue, recovery, and debris removal operations following the terrorist attacks on the World Trade Center on September 11, 2001, identify, with as much specificity as possible (e.g., quadrant, cross streets, landmarks, monuments, nearby buildings, etc.), where each plaintiff worked and on which dates he/she worked. If the plaintiff alleges negligence and causation not from work, when, where, and how was that plaintiff otherwise exposed to a defendant's negligence causing harm?
2. Identify each plaintiff's social security number.
3. Identify who hired, engaged or instructed each plaintiff.
4. Identify the type of work each plaintiff was hired, engaged or instructed to perform.
5. Identify the type of work each plaintiff actually performed.
6. Identify to whom each plaintiff reported on a day-to-day basis.
7. Identify who directed each plaintiff's work on a day-to-day basis.

#### **Employer Defendants**

8. For each time and place identified in number 1, identify the name of plaintiff's employer.
9. Identify whether each plaintiff participated in a Union/Local, the name of the Union/Local, and the plaintiff's years of membership.
10. On what specific dates and times did each plaintiff work for each such employer?

#### **Non-Employer Defendants**

11. Which other defendants are alleged to have caused plaintiff injury, if any (giving name of each such defendant)?
12. What relationship did the plaintiff have with such defendants? What facts show the existence of the alleged relationship between plaintiff and defendant?

#### **Bases of Liability**

13. What acts or omissions of each defendant caused the injuries of which each plaintiff complains;
  - a. On what dates and times did the acts or omissions occur;
  - b. Describe the chain of events, in as much detail as possible, demonstrating how the acts and omissions of each defendant caused the injuries of which plaintiff complains.

- c. Identify all personal protective equipment (“PPE”) each plaintiff utilized.
  - i. When did plaintiff use the PPE identified in 13(c)?
  - ii. Was there guidance or instructions for use, and if so;
  - iii. By whom and when; and
  - iv. What specific complaints does each plaintiff allege against each defendant regarding the PPE they used or did not use:
    1. Improper fit
    2. Inappropriateness for use
    3. Inadequate instruction
    4. Other—stating specifics of particular complaints.

### **Injuries Alleged**

14. What specific injuries did each plaintiff suffer as a proximate result of the acts or omissions of each defendant identified above?
15. When did each of plaintiff’s injuries caused by each responsible party first become manifest, and describe the symptoms and the injuries that first manifested.
16. For each injury listed in number 14 above, identify the names and addresses of any and all healthcare providers plaintiff saw from January 1, 1995 to date and state specific dates of any such visit, diagnosis and/or treatment. Authorizations to obtain full and complete medical and personnel reports of each such plaintiff shall be supplied by plaintiffs.

### **Other Remedies**

17. What payments, benefits, treatments, services, or other compensation, if any, has each plaintiff received in connection with his activities at any of the World Trade Center sites? State:
  - a. From whom;
  - b. Where;
  - c. What amounts;
  - d. What services.

Include all sources—workman’s compensation, government funds, insurance, etc.

### **B. Discovery to be Produced by Each Defendant:**

#### **Location of Work**

1. Where did each defendant work?

#### **Employee Plaintiffs**

2. Identify which plaintiff-employees worked for each defendant.

3. Who hired, engaged or instructed the plaintiff employee (identify the hiring, engaging or instructing individual by name)?
4. What type of work was the plaintiff employee hired, engaged or instructed to perform?
5. What type of work did the plaintiff employee actually perform?
6. Where and when did the plaintiff-employee perform the work?
7. Who are the people who supervised each plaintiff-employee?
8. State where and in which locations.
9. Provide the hierarchy of reporting for each supervisor.

#### **Contractual Arrangements**

10. Who engaged each contractor defendant, and when (name of contracting individual)?
11. What written agreements were executed, or oral agreements entered into, in relation to the work performed by each contractor defendant? Produce each such agreement and each document considered part of the agreement.
12. What indemnification or insurance, if any, is available or claimed to be available, to each contractor defendant for claims relevant to this litigation? Produce all such agreements, policies, and documents constituting such agreements and policies. Include complete insurance coverage information from the Port Authority.

#### **Bases of Liability**

13. Did each contractor defendant provide personal protective equipment to plaintiff-employees?
  - a. On what dates was protective equipment provided?
  - b. How was protective equipment distributed?
  - c. Describe specifically the type of protective equipment distributed.
14. What instructions, directions or training did each defendant provide to its plaintiff-employees for using protective equipment?
  - a. On what dates, and to whom, were instructions, directions or training given?
  - b. How were instructions, directions or training distributed?
  - c. Describe specifically the instructions, directions or training given for using protective equipment.